

REMARKS

Reconsideration of this Application is respectfully requested.

Claims 1-24 are pending in the application, with claims 1, 16, and 24 being the independent claims. Claims 1, 11, 16, 22 and 24 are amended. These changes are not believed to introduce any new matter.

Based on the following Remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 112

In the Action on page 2, sections 4-6, claims 1-24 are rejected as being allegedly indefinite due to the term "in the event of inaccessibility." Independent claims 1, 16 and 24 are amended to replace the term "inaccessibility" with a more descriptive term. Generally, a license management server is considered "inaccessible" if it cannot receive from, respond to, or otherwise communicate with the client workstations or users' computers, for example, due to server failures, network failures, or network congestion. See, e.g., specification p. 13, lines 23-25. Claims 1, 16, and 24 as amended are therefore not indefinite, and Applicants respectfully request that the rejection of claims 1-24 be withdrawn.

Rejections under 35 U.S.C. § 103

In the Action on pages 3-10, claims 1-4, and 7-24 are rejected as being allegedly unpatentable over U.S. Patent No. 5,671,412A to Christiano (hereinafter "Christiano"). Applicants respectfully traverse the rejection.

As amended, claim 1 recites a method for providing access to application software in the event of inaccessibility of a license management system, comprising the steps of: determining whether a user has a valid software license to run a software application on a client workstation, including sending a query to the license management system; and *permitting a recognized user to execute said software application on said client workstation in the event that the license management system is unable to receive and/or respond to said query, and/or is unable to*

communicate with said client workstation about said query. The Action asserts that Christiano teaches the elements of claim 1. However, Christiano fails to teach at least one element of claim 1.

Christiano does not teach or suggest permitting a recognized user to execute said software application on a client workstation in the event that the license management system is unable to receive and/or respond to said query, and/or is unable to communicate with said client workstation about said query. Instead, Christiano describes a basic licensing client-server system that includes a function to diagnose and locate a license server when the server cannot be located normally. (See Christiano col. 4, lines 55-57). However, Christiano assumes communication between the client and the license server. Christiano does not teach or suggest what the client can do in the event that the license server cannot receive and/or respond and/or communicate about the query. Christiano does not permit a recognized user to execute the licensed software if communication with the license server fails. FIG. 14 of Christiano, for example, shows that when a client cannot connect to a license server, the user can run a connection diagnostic 274. FIG. 15 of Christiano shows that if no server is found on the network in block 286, that the connection attempts end in block 288 with no further action.

In contrast, the method recited in claim 1 permits a recognized user to execute the software when the license server is unable to receive and/or respond and/or communicate about the query. Therefore, Christiano does not teach or suggest permitting a recognized user to execute said software application in the event that the license management system is unable to receive and/or respond to said query, and/or is unable to communicate with said recognized user about said query,. The Action has not addressed this specific recited limitation of claim 1. The Action has stated neither how Christiano teaches this limitation nor why it would have been obvious to one of ordinary skill in the art to modify Christiano to obtain this limitation. The Action, therefore, fails to state a *prima facie* case of obviousness and claim 1 is therefore allowable.

Further, claims 2-4, and 7-15 are dependent from claim 1 and are allowable over Christiano as being dependent from an allowable claim.

Claim 16, as amended, recites a system for managing access to concurrent software licenses, comprising: a network; a license management system coupled to said network operative to authorize a user of a software application; and a client workstation coupled to said network, wherein

said client workstation comprises a validation device operative to permit a recognized user to execute said software application *in the event that the license management system is unable to communicate with said client workstation over said network.* The Action asserts that Christiano teaches the elements of claim 16. However, Christiano fails to teach at least one element of claim 16.

As discussed above regarding claim 1, Christiano fails to teach permitting a recognized user to execute said software application in the event that the license management system is unable to communicate with said client workstation over said network. Instead, Christiano describes a basic licensing client-server system that includes a function to diagnose and locate a license server when the server cannot be located normally. (See Christiano col. 4, lines 55-57). However, Christiano assumes communication between the client and the license server. Christiano does not teach or suggest what the client can do in the event that the license server cannot communicate with the client workstation. FIG. 14 of Christiano, for example, shows that when a client cannot connect to a license server, the user can run a connection diagnostic 274. FIG. 15 of Christiano shows that if no server is found on the network in block 286, that the connection attempts end in block 288 with no further action. Christiano does not permit a recognized user to execute the licensed software if communication with the license server fails. Therefore, Christiano does not teach or suggest permitting a recognized user to execute the software application in the event that the license management system is unable to communicate with the client workstation. The Action has not addressed this specific recited limitation of claim 16. The Action has stated neither how Christiano teaches this limitation nor why it would have been obvious to one of ordinary skill in the art to modify Christiano to obtain this limitation. The Action, therefore, fails to state a *prima facie* case of obviousness and claim 16 is therefore allowable.

Further, claims 17-23 are dependent from claim 16 and are allowable over Christiano as being dependent from an allowable claim.

Claim 24 recites elements similar to those in claim 1, and is allowable for at least the reasons given above regarding claim 1.

Applicants respectfully request that the rejection be withdrawn.

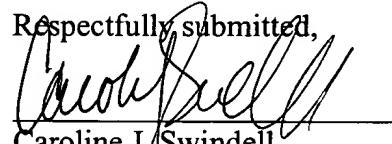
Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

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Respectfully submitted,



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